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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Concluding observations on the initial report of Lebanon*

1. The Committee against Torture considered the initial report of Lebanon (CAT/C/LBN/1) at its 1509th and 1512th meetings (see CAT/C/SR.1509 and 1512), held on 20 and 21 April 2017, and adopted the present concluding observations at its 1532nd and 1533rd meetings, held on 8 May 2017.

A. Introduction

2. The Committee welcomes the submission of the initial report of Lebanon and the information contained therein. It regrets, however, that the report was submitted over 14 years late, which prevented the Committee from conducting a periodic analysis of the State party's implementation of the Convention following its ratification in 2000, in compliance with the reporting procedure under article 19 of the Convention.

3. The Committee appreciates having had the opportunity to engage in a constructive dialogue with the State party's delegation and the responses provided to the questions and concerns raised during the consideration of the report.

B. Positive aspects

4. The Committee notes with satisfaction the fact that, since the entry into force of the Convention for the State party, Lebanon has ratified or acceded to the following international human rights instruments:

(a) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 22 December 2008;

(b) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 8 November 2004.

5. The Committee welcomes the following legislative measures taken by the State party in areas of relevance to the Convention:

(a) The adoption of Law No. 62 of 2016 mandating the establishment of the National Commission for Human Rights, a national human rights institution encompassing a national preventive mechanism for the prevention of torture, as required under the Optional Protocol to the Convention;

(b) The adoption of Law No. 293 of 2014 on the protection of women and other family members from domestic violence;

(c) The adoption of Law No. 164 of 2011 on combating trafficking in persons.

* Adopted by the Committee at its sixtieth session (18 April-12 May 2017).

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6. The Committee commends the State party for its initiatives to amend its policies and procedures in order to afford greater protection of human rights and to apply the Convention, in particular:

(a) The creation, in 2015, of a pilot forensic and psychological examination unit at the Palais de Justice in Tripoli;

(b) The establishment, in 2015, of an international law and human rights directorate at the Army Command;

(c) The adoption, in 2015, of the Mental Health and Substance Use Prevention, Promotion and Treatment Strategy for Lebanon 2015-2020, which includes among its strategic objectives the adoption of a monitoring and evaluation system to ensure quality of mental health and substance use services;

(d) The adoption, on 10 December 2012, of the National Human Rights Plan 2014-2019, in which the fight against torture was included as a priority area;

(e) The establishment, in 2008, of the Internal Security Forces Committee for Monitoring against the Use of Torture and Other Inhuman Practices in Prisons and Detention Centres.

7. The Committee values the extraordinary efforts made by the State party to respond to the massive influx of asylum seekers and other persons in need of international protection arriving in its territory. It also commends the State party for having admitted and/or accommodated over a million registered Syrian refugees fleeing from armed conflict in their country, as well as thousands of asylum seekers and refugees from Ethiopia, Iraq, the Sudan and other countries. In addition, Lebanon hosts approximately 450,000 registered Palestinian refugees.

8. The Committee notes with appreciation that, in 2011, the State party issued a standing invitation to the special procedure mechanisms of the Human Rights Council.

C. Principal subjects of concern and recommendations

Follow-up to the Committee's confidential inquiry under article 20 of the Convention

9. The Committee regrets the absence of a plan of action and the low rate of implementation of the 34 recommendations included in the summary account of the results of the proceedings concerning its 2012/13 confidential inquiry on Lebanon, particularly those deemed urgent (see A/69/44, annex XIII, paras. 38 and 40). Nevertheless, the Committee considers that substantive steps have been taken by the State party to address some of its recommendations, especially with regard to the adoption of legislation mandating the creation of a national human rights institution, including a national preventive mechanism, and the improvement of conditions in detention facilities (para. 38 (h), (t) and (w), respectively). In addition, the State party has submitted its initial report under article 19 of the Convention, as recommended in paragraph 38 (ee).

Absolute prohibition of torture

10. The Committee is concerned that there is no clear provision in the State party's legislation to ensure that the prohibition against torture is absolute and non-derogable (art. 2 (2)-(3)).

11. **The State party should ensure that the principle of absolute prohibition of torture is incorporated into its legislation and that it is strictly applied in accordance with article 2 (2) of the Convention, which stipulates that no exceptional circumstances whatsoever, whether a state of war or threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture. In that connection, the Committee draws the State party's attention to paragraph 5 of its general comment No. 2 (2007) on the implementation of article 2, in which it states, inter alia, that exceptional circumstances also include any threat of terrorist acts or violent crime, as well as armed conflict, international or non-international.**

Definition and criminalization of torture

12. While taking note of the information provided by the State party on the content of the draft law on the criminalization of torture, including the proposed amendments to article 401 of the Criminal Code, the Committee is concerned that a comprehensive definition of torture in conformity with that contained in article 1 of the Convention is not yet contained in domestic law. It is also concerned about the inadequacy of the penalties applicable to torture envisaged in the current draft legislation. Furthermore, the Committee notes with concern that the bill includes a provision according to which the statute of limitations on torture will start to run on the day the victim is released from detention (arts. 1 and 4).

13. **In line with its obligations under the Convention, as recommended by the Committee in its inquiry (see A/69/44, annex XIII, para. 38 (b)), and in line with the commitment the State party made during the universal periodic review in November 2015 (see A/HRC/31/5, paras. 132.34-132.36 and A/HRC/31/5/Add.1), the State party should define torture in full conformity with article 1 of the Convention, and ensure that such offences are punishable by appropriate penalties that take into account their grave nature, in accordance with article 4 (2) of the Convention. It should also establish that there is no statute of limitations for the offence of torture.**

Allegations of torture and ill-treatment

14. The Committee takes note of the State party's affirmation that the practice of torture is not widespread in Lebanon and that any instances of torture are isolated events that do not in any way correspond to State policy. However, the Committee remains concerned at various consistent reports that security forces and military personnel continue to routinely use torture against suspects in custody, including children, who are often held incommunicado, primarily to extract confessions that are to be used in criminal proceedings or as a form of punishment for acts that the victim is believed to have committed. It regrets that the State party dismissed or did not respond to the requests for information as to whether investigations were under way into widely reported cases, such as the alleged beating of journalist Rami Aysha by members of the military police or the alleged torture of Ghassan Shehab al-Suleiman al-Slaybi and others during detention at the Ministry of Defence. The Committee remains concerned about allegations of harassment, arbitrary detention, torture and ill-treatment, including beatings, sexual abuse, anal examinations and forced HIV testing, of men suspected of being homosexual held in custody by Internal Security Forces officers (arts. 2, 11-13 and 15-16).

15. **The Committee urges the State party to:**

(a) **Unambiguously reaffirm the absolute prohibition of torture and publicly announce that anyone committing such acts or being found to be otherwise complicit or acquiescent in torture will be held personally responsible before the law for such acts and will be subject to criminal prosecution and appropriate penalties;**

(b) **Ensure that all instances and allegations of torture and ill-treatment are investigated promptly, effectively and impartially, and that the perpetrators are prosecuted and, if found guilty, punished in accordance with the gravity of their acts, as required by article 4 of the Convention;**

(c) **Take effective measures to prevent police abuse based on real or perceived sexual orientation and gender identity, ensure that all cases are investigated and prosecuted, perpetrators brought to justice and victims provided with redress. The State party should prohibit anal searches or tests for men suspected of homosexuality and ensure that body searches are conducted only in exceptional cases and by the least intrusive means possible, with full respect for the dignity of the person.**

Fundamental legal safeguards

16. The Committee takes note of the procedural safeguards set out in article 47 of the Code of Criminal Procedure, mainly the right of detainees to be informed of their rights, to notify a person of their choice, the right to access a lawyer of their own choosing and to

receive the assistance of an interpreter, and the right to request a medical examination by a physician. However, it is concerned about consistent reports indicating that lawyers are not usually allowed to meet with their clients during the period of the investigation, that requests for an interpreter are denied on the basis that the detainee speaks basic Lebanese Arabic or English, and that the confidentiality of medical examinations is not respected. The Committee is also concerned at allegations regarding the failure to adhere to the initial 48-hour limit, extendable for another 48 hours, for detainees to be brought before a judge. The Committee notes with concern the absence of a State-funded legal aid scheme (art. 2).

17. **The State party should:**

(a) **Ensure that all detainees are afforded, in law and in practice, all fundamental legal safeguards from the very outset of their detention, including the rights to confidential access to a lawyer, particularly during investigation and questioning, to have the assistance of an interpreter if necessary, to be brought before a judge within the time prescribed by law, and to request and receive an independent medical examination. All medical examinations of detainees should be conducted out of hearing and, whenever security allows, out of sight of law enforcement officers;**

(b) **Make audio and video recording of interrogations of all persons questioned a standard procedure, keep the recordings in secure facilities and make them available to investigators, detainees and lawyers;**

(c) **Consider introducing a comprehensive criminal legal aid system, free of charge for those who do not have sufficient means to pay for legal representation.**

Illegal detention

18. While taking note of the delegation's assertion that there is no evidence of the existence of places of secret detention and that no complaints for arrest or torture by non-State actors have been filed in the State party, the Committee remains concerned at the apparent failure to investigate allegations of unlawful arrests and torture by armed militias and the subsequent handover of the alleged victims to the Lebanese security agencies (see A/69/44, annex XIII, para. 31) (arts. 2 and 11).

19. **The State party should ensure that no one is held in secret detention on its territory, including by non-State actors. The Committee urges the State party to investigate the existence of any secret non-official detention places and identify those exercising their effective control and related practices of torture. The State party should also cease the practice of incommunicado detention. The Committee encourages the State party to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.**

Conditions of detention

20. While taking note of the steps taken by the State party to improve conditions of detention, such as the planned construction of five new prisons and the commutation of prison sentences, the Committee remains concerned at the extremely high levels of overcrowding — over three times the prison system's capacity — and the harsh conditions prevailing in detention facilities, including holding cells in police stations. In that connection, it notes the acknowledgement in the State party's initial report of the difficult conditions in the country's detention centres and prisons and the existence of serious deficiencies, particularly the lack of adequate facilities, services and infrastructure, high humidity levels, insufficient sunlight and extreme temperatures in prison cells and poor standards of hygiene (see CAT/C/LBN/1, paras. 431-433). The Committee is also concerned about the high number of persons held in pretrial detention, many of them in prolonged pretrial detention, and the fact that pretrial detainees are not separated from convicted prisoners. It notes the delegation's affirmation that minors are never held with adults, despite reports to the contrary. Also of concern are the reportedly inadequate health-care services in the prisons, particularly in the case of female prisoners and death row inmates, as well as reports of poor-quality food, inadequate visitation facilities, inter-prisoner violence and the unwarranted use of intrusive body searches. The Committee

regrets that the transfer of the administration of prisons from the Ministry of the Interior and Municipalities to the Ministry of Justice has not yet been completed.

21. **Recalling the recommendations made under the inquiry procedure (see A/69/44, annex XIII, para. 38 (s), (v)-(x) and (z)-(bb)), the State party should:**

(a) **Continue its efforts to improve conditions of detention and alleviate the overcrowding of penitentiary institutions and other detention facilities, including through the application of non-custodial measures. In that connection, the Committee draws the State party's attention to the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);**

(b) **Adopt urgent measures to remedy any deficiency relating to temperature, insufficient ventilation and humidity levels in prison cells and other places of detention;**

(c) **Ensure, in law and in practice, that pretrial detention is not excessively prolonged;**

(d) **Ensure the strict separation of pretrial detainees from convicted detainees and of juveniles from adults in all detention facilities;**

(e) **Guarantee that the basic needs of persons deprived of their liberty are satisfied, including with regard to sanitation, medical care, visits, food and water;**

(f) **Ensure that prison search and admittance procedures are not degrading to inmates or visitors;**

(g) **Complete the transfer of the management of the prison system from the Ministry of the Interior and Municipalities to the Ministry of Justice.**

Solitary confinement

22. The Committee is concerned that solitary confinement may be imposed as a disciplinary measure for up to 30 consecutive days (Decree No. 14310 of 1949, art. 104).

23. **The State party should bring its legislation and practice on solitary confinement into line with international standards, particularly rules 43 to 46 of the Nelson Mandela Rules.**

Deaths in custody

24. While taking note of the State party's information that between 2012 and 2016 a total of 81 deaths occurred in the prison system, the Committee regrets that, despite the requests made to the State party's delegation to provide detailed information on cases of deaths in custody that occurred during the period under review, no information has been received on the causes of those deaths or on any investigation into such deaths (arts. 2, 11 and 16).

25. **The State party should take measures to ensure that all instances of death in custody are promptly and impartially investigated by an independent body. It should also provide all parties concerned with detailed information on cases of death in custody and the causes of those deaths.**

Hard labour

26. While taking note of the explanation given by the delegation that, although the Criminal Code provides for sentences of imprisonment with hard labour for certain offences, that punishment is not applied in practice, the Committee is concerned that the penalty has not yet been abolished (art. 16).

27. **The State party should legally abolish imprisonment with hard labour. The Committee draws the State party's attention to paragraphs 1 and 2 of rule 97 of the**

Nelson Mandela Rules, which state that "prison labour must not be of an afflictive nature" and that "prisoners shall not be held in slavery or servitude".

National human rights institution and national preventive mechanism

28. The Committee takes note of the information provided by the delegation on the procedures and criteria for the selection and appointment of the members of the National Commission for Human Rights, as stipulated in Law No. 62 of 2016. It regrets, however, that the members of the national human rights institution, which will be required to perform additional functions as the national mechanism for the prevention of torture, have not yet been formally appointed.

29. **The Committee urges the State party to complete the selection process for the appointment of the members of the National Commission for Human Rights in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The State party should ensure that the Commission effectively fulfils its mandate as a national preventive mechanism, with a dedicated structure and adequate resources for that purpose. It should also guarantee that the national preventive mechanism is granted access to all places of detention and is able to carry out unannounced visits, in accordance with its mandate and the provisions of the Optional Protocol to the Convention and in keeping with the guidelines on national preventive mechanisms issued by the Subcommittee on Prevention of Torture (CAT/OP/12/5).**

Monitoring detention facilities

30. The Committee is concerned that, contrary to the information provided by the State party, several human rights non-governmental organizations have reported that they are still not allowed to carry out monitoring activities in detention facilities.

31. **The Committee reiterates its previous recommendation under the inquiry procedure (see A/69/44, annex XIII, para. 38 (cc)) that the State party authorize non-governmental organizations to undertake prison monitoring activities. The State party should adopt formal regulations explicitly authorizing human rights non-governmental organizations, medical professionals and members of local bar associations to undertake independent visits to places of detention. The State party should ensure frequent oversight and monitoring by the judicial authorities, national independent human rights mechanisms and civil society organizations of all places of detention, including detention facilities under the authority of the Internal Security Forces Information Branch and the Ministry of Defence.**

Coerced confessions

32. The Committee is deeply concerned that Lebanese legislation still does not contain an explicit prohibition on the inadmissibility of evidence obtained as a result of torture. In that regard, it is concerned about consistent reports indicating that the use of torture to extract confessions remains prevalent, and that confessions allegedly extracted through torture are used against the accused as evidence of guilt in civilian and military courts. The Committee is also concerned at the apparent failure of the courts to investigate those allegations, placing the burden of proof on the persons charged. It regrets the lack of information available on decisions taken by Lebanese courts to refuse confessions obtained under torture as evidence, and the fact that there was no information provided on sanctions for judges who are held accountable for failing to prosecute cases of torture (art. 15).

33. **The State party should adopt effective measures to guarantee that coerced confessions or statements are inadmissible, both in law and in practice, except when invoked against a person accused of torture as evidence that the statement was made. Thus, the Committee calls on the State party to ensure that where there is an allegation that a statement was made under torture, the burden of proof does not lie with the victim, as the delegation has claimed, but with the State. The State party should also ensure that law enforcement officials, judges and lawyers receive training on how to detect and investigate cases in which confessions are obtained under torture.**

The competent authorities should take action against judges who fail to respond appropriately to allegations of torture raised during judicial proceedings. Furthermore, the State party should ensure that officials who extract confessions through torture are immediately brought to justice.

Military jurisdiction

34. The Committee is concerned that the State party's military court system still enjoys jurisdiction to examine criminal cases involving civilians, including children (art. 2 (1)).

35. **The State party should without further delay prohibit military courts from exercising jurisdiction over civilians, especially children.**

Universal jurisdiction

36. While noting that the Lebanese Criminal Code provides for universal jurisdiction in cases of torture, the Committee is concerned at the lack of information provided on how the State party has exercised its jurisdiction over the offences and in the cases referred to in articles 4 and 5 of the Convention (art. 5).

37. **The State party should take all necessary steps to effectively exercise universal jurisdiction over persons allegedly responsible for acts of torture, including foreign perpetrators who are temporarily present in Lebanon.**

Training

38. The Committee acknowledges the efforts made by the State party to develop and implement training programmes in human rights, including modules on the provisions of the Convention, for judges, Internal Security Forces judicial police officers and other law enforcement agencies. It also takes note of the information furnished by the State party on the training provided to forensic doctors on how to detect and document physical and psychological sequelae of torture and ill-treatment. However, the Committee is concerned at the lack of information on the evaluation of the impact of those programmes (art. 10).

39. **Recalling its previous recommendation under the inquiry procedure (see A/69/44, annex XIII, para. 38 (u)), the State party should:**

(a) **Further develop mandatory in-service training programmes to ensure that all public officials, particularly Internal Security Forces members and military personnel, are well acquainted with the provisions of the Convention and are fully aware that violations will not be tolerated and will be investigated, and that those responsible will be prosecuted and, on conviction, appropriately sanctioned;**

(b) **Develop training programmes on non-coercive investigatory techniques;**

(c) **Ensure that all relevant staff, including medical personnel, receive specific training in identifying and documenting cases of torture and ill-treatment, in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol);**

(d) **Develop and apply a methodology for evaluating the effectiveness of educational and training programmes relating to the Convention.**

Impunity for acts of torture and ill-treatment

40. The Committee is concerned at reports indicating that complaints of torture and ill-treatment are rarely investigated, which creates a climate of impunity. In view of those reports, the Committee is concerned by the fact that the State party has not furnished specific information on the number of complaints of torture or ill-treatment or on the corresponding investigations and prosecutions during the reporting period. The Committee has not received any information about the sentences and criminal or disciplinary sanctions imposed on offenders, or an indication of whether the alleged perpetrators of those acts have been removed from public service pending the outcome of the investigation of the complaint (arts. 2, 12-13 and 16).

41. **The Committee urges the State party to:**

(a) **Ensure that all complaints of torture and ill-treatment are promptly investigated in an impartial manner by an independent body, that there is no institutional or hierarchical relationship between that body's investigators and suspected perpetrators of such acts, and that the suspected perpetrators are duly tried and, if found guilty, punished in a manner that is commensurate with the gravity of their acts;**

(b) **Ensure that the authorities launch investigations whenever there are reasonable grounds to believe that an act of torture or ill-treatment has been committed;**

(c) **Ensure that, in cases of alleged torture and ill-treatment, suspected perpetrators are suspended from duty immediately for the duration of the investigation, particularly when there is a risk that they might otherwise be in a position to repeat the alleged act, commit reprisals against the alleged victim or obstruct the investigation;**

(d) **Compile disaggregated statistical information relevant to the monitoring of the Convention, including data on complaints, investigations, prosecutions and convictions in cases of torture and ill-treatment (see A/69/44, annex XIII, para. 38 (ff)).**

Internal prison complaint mechanisms

42. While taking note of the delegation's acknowledgement that the complaint system in prisons is regulated by outdated legislation and that measures have been taken to revise it, including by designating an ad hoc office to receive complaints in Roumieh prison, the Committee regrets that the State party has not yet established an independent State body or mechanism to investigate complaints of torture and ill-treatment against law enforcement officers. It also regrets the lack of information provided by the State party on the results of the investigation into alleged abuses committed against inmates of Roumieh prison in April 2015 (arts. 2, 12-13 and 16).

43. **The Committee reiterates its previous recommendation under the inquiry procedure (see A/69/44, annex XIII, para. 38 (o)) that the State party establish a fully independent complaint mechanism with the authority to investigate promptly, impartially and effectively all reported allegations of and complaints about acts of torture and ill-treatment.**

Witness and victim protection

44. The Committee is concerned at the absence of an effective mechanism and an independent protection agency to ensure protection of and assistance to witnesses and victims of torture and ill-treatment (arts. 2 and 13).

45. **The State party should revise its legislation and practices to ensure that witnesses and victims of human rights violations, including torture, are effectively protected against any ill-treatment or intimidation as a consequence of their complaints or any evidence given.**

Amnesty laws

46. The Committee is concerned that Law No. 84 of 1991 and Law No. 677 of 2005 impede the investigation and punishment of past human rights violations (art. 2).

47. **The State party should repeal the amnesty laws of 1991 and 2005. It should also ensure that its laws preclude any possibility of granting amnesty to any person convicted of the crime of torture or any kind of pardon that violates the Convention.**

Excessive use of force against demonstrators

48. The Committee is concerned about consistent reports of excessive use of force by law enforcement officers and members of the armed forces acting to disperse demonstrators protesting in Beirut in 2015 over the lack of adequate public services, a waste management

crisis and corruption. It is also concerned by the lack of any specific detailed information on the investigations carried out into those incidents (arts. 2, 12-13 and 16).

49. **The State party should:**

(a) **Ensure that prompt, impartial and effective investigations are undertaken into all allegations relating to the excessive use of force by law enforcement officers and members of the armed forces, and ensure that the perpetrators are prosecuted and the victims adequately compensated;**

(b) **Increase its efforts to systematically provide training to all law enforcement officers and members of the military on the use of force, especially in the context of demonstrations, taking due account of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.**

Redress and rehabilitation

50. While noting the State party's assertion that its legislation provides for criminal and civil remedies when seeking redress in cases of torture, the Committee regrets that the delegation did not provide information on reparation and compensation measures ordered by the courts or other State bodies and actually provided to victims of torture or their families since the entry into force of the Convention in the State party (art. 14).

51. **In the light of its previous recommendation under the inquiry procedure (see A/69/44, annex XIII, para. 38 (dd)), the State party should ensure that all victims of torture and ill-treatment obtain redress, including an enforceable right to fair and adequate compensation, and the means of achieving as full a rehabilitation as possible. The Committee draws the State party's attention to its general comment No. 3 (2012), in which it elaborates on the nature and the scope of States parties' obligations under article 14 of the Convention to provide full redress to victims of torture.**

Refugees and non-refoulement

52. While noting the explanations given by the delegation, the Committee remains concerned at reports that the State party might have engaged in practices contrary to the principle of non-refoulement, especially with regard to Syrian, Iraqi and Sudanese nationals and Palestinian refugees from Syria. In that regard, it recalls that article 3 of the Convention affords absolute protection to anyone under the jurisdiction of the State party, regardless of the person's nationality, judicial status or the danger that he or she may pose to society (art. 3).

53. **The State party should:**

(a) **Ensure that no one may be expelled, returned or extradited to another State where there are substantial grounds for believing that he or she would run a personal and foreseeable risk of being subjected to torture;**

(b) **Strengthen its domestic legislative framework by adopting a comprehensive law on asylum that is consistent with international standards and in accordance with article 3 of the Convention;**

(c) **Ensure that procedural safeguards against refoulement are in place and that effective remedies are available with respect to refoulement claims in removal proceedings, including review by an independent judicial body concerning rejections;**

(d) **Consider ratifying the Convention relating to the Status of Refugees, the Protocol relating to the Status of Refugees, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.**

Migration-related detention of asylum seekers and refugees and detention pending deportation

54. The Committee is concerned at the detention policy applied to asylum seekers and refugees for migration-related reasons, including reports that they often face lengthy periods of detention in substandard conditions. While welcoming the closure of the

administrative detention centre for irregular migrants in the Adlieh district of Beirut (see A/69/44, annex XIII, para. 24), the Committee considers that detention of irregular migrants and rejected asylum seekers pending deportation should be reduced and applied as an exceptional measure only (arts. 11 and 16).

55. **The State party should refrain from detaining refugees, asylum seekers and irregular migrants for prolonged periods, use detention as a measure of last resort only and for as short a period as possible and promote alternatives to detention.**

Trafficking

56. While welcoming the adoption of Law No. 164 of 2011 on combating trafficking in persons, the Committee is concerned at the situation of women and girls, particularly those from South and Southeast Asia and East and West Africa, many of whom are forced into domestic servitude. According to the information before the Committee, the sponsorship (*kafala*) system creates a situation of vulnerability which favours abusive and exploitative work relationships that can lead to human trafficking in domestic work. The Committee also notes with concern that Syrian refugees in Lebanon appear to be at particular risk of sex trafficking and forced labour, mainly due to the restrictions on Syrian refugees' access to the Lebanese labour market and the strict enforcement of visa and resident permits (arts. 2, 10, 12-14 and 16).

57. **The State party should:**

(a) **Intensify its efforts to prevent and combat trafficking in human beings, including by implementing effectively the 2011 anti-trafficking legislation and by providing protection to victims;**

(b) **Ensure that cases of human trafficking are thoroughly investigated, perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and the victims adequately compensated.**

Gender-based violence

58. The Committee is concerned that under article 522 of the Criminal Code a person accused of rape, kidnapping or statutory rape may avoid prosecution or conviction if he marries the victim (arts. 2 and 16).

59. **The State party should fully repeal article 522 of the Criminal Code, ensure that perpetrators of rape do no escape punishment by marrying their victims and guarantee that all cases of violence against women are thoroughly investigated, that the perpetrators are prosecuted and that the victims obtain redress, including fair and adequate compensation.**

Follow-up procedure

60. **The Committee requests the State party to provide, by 12 May 2018, information on follow-up to the Committee's recommendations on the definition and criminalization of torture, fundamental legal safeguards, the national human rights institution and the national preventive mechanism, and the internal prison complaint system (see paras. 13, 17, 29 and 43 above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.**

Other issues

61. **The Committee encourages the State party to consider making the declaration under article 22 of the Convention recognizing the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction.**

62. **The Committee invites the State party to authorize the publication of the report on the 2010 visit to Lebanon of the Subcommittee on Prevention of Torture and the Government's response to the Subcommittee's recommendations.**

63. **The State party is requested to disseminate widely the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations.**

64. **The Committee invites the State party to submit its next report, which will be its second periodic report, by 12 May 2021. To that end, the Committee invites the State party to agree, by 12 May 2018, to follow the optional reporting procedure in preparing that report. Under that procedure, the Committee will transmit to the State party a list of issues prior to reporting. The State party's replies to that list of issues will constitute its second periodic report under article 19 of the Convention.**